

## Do we need special rules for biometrics?

The Office of the Privacy Commissioner (OPC) is asking for feedback on possible new rules about **biometric information**. We want to hear what people think by **Sunday 27 August 2023**. You can send your comments to [biometrics@privacy.org.nz](mailto:biometrics@privacy.org.nz).

OPC is thinking about whether there should be a set of rules called a **code of practice**. A code could change how the privacy principles in the Privacy Act apply when organisations **use technology to analyse biometric information**.

**Biometric information** relates to people's physical or behavioural features – for example, a person's face, fingerprints, voice, or how they walk. **Biometric technologies** (such as facial recognition or voice analysis) analyse biometric information to recognise who someone is, or to work out other things about them (such as their gender or mood).

OPC wants to protect people against misuse of their biometric information. We also want to let government and business use biometric information safely, if they have good reasons to do so. Biometric information is sensitive because it's unique and can't be replaced.

### What are we proposing?

We're putting forward **proposals** for what **could be** in a code. Key proposals are:

- A code would apply when organisations use biometric information in **automated processes to recognise or categorise** people.
- An organisation that wants to collect biometric information would need to show that the information will be used in a way that is **effective and justified**.
- Organisations **wouldn't be allowed to collect biometric information for some purposes**: marketing; classifying people in certain ways, such as by their gender, ethnicity or sexuality; or trying to learn about their emotions or state of health.
- Organisations that collect biometric information would need to make sure people can **understand** how their information will be used and handled. Organisations would need to be really clear about the purposes for which they collect biometric information and how long they'll keep it for.
- Before collecting biometric information, an organisation would need to get **consent** from the person whose information it is. People would need to be given an alternative that doesn't involve collecting biometric information.
- Organisations would need to have strong safeguards to keep biometric information **secure** and would need to regularly check the **accuracy** of their biometric systems.
- There would be **exceptions** to code requirements to allow for appropriate uses.

### What happens next?

Once we've received people's feedback, the Privacy Commissioner will decide whether or not to put out a draft code for consultation. A decision will be announced later in the year.